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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 THE NEW YORK CITY EMPLOYEES'
14 RETIREMENT SYSTEM, *et al.*,

15 Plaintiffs,

16 v.

17 LISA C. BERRY,

18 Defendant.

Case No. CV-08-0246 JW

JOINT STATUS REPORT

Date: September 8, 2008

Time: 10:00 a.m.

Courtroom: Hon. James Ware

1 Lead plaintiff The New York City Pension Funds (“Plaintiffs”) and defendant Lisa C.
2 Berry submit this Joint Status Report, pursuant to the Court’s Order dated May 28, 2008 (Docket
3 No. 31).

4 CASE SUMMARY

5 Plaintiffs filed this securities fraud class action on January 14, 2008, alleging claims for
6 violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 against Lisa C.
7 Berry, the former General Counsel of Juniper Networks, Inc. (the “Berry Complaint”). Pursuant
8 to Civil L.R. 3-12, a Related Case Order was entered and on February 25, 2008, the Berry Action
9 was reassigned to Judge Ware, who is presiding over *In re Juniper Networks, Inc. Securities*
10 *Litigation*, C-06-04327-JW (N.D. Cal.) (the “Consolidated Action”). Lead Plaintiffs are the New
11 York City Pension Funds and Lead Counsel are Lowey Dannenberg Cohen & Hart, P.C.

12 The Berry Complaint asserts claims on behalf of all persons who purchased or otherwise
13 acquired Juniper Network, Inc. securities between January 15, 2003 and August 10, 2006.
14 Plaintiffs assert claims under Section 10(b) and Rule 10b-5 and claims for control person liability
15 under Section 20(a) against Ms. Berry.

16 Ms. Berry is also a defendant in an action commenced by the Securities and Exchange
17 Commission (“SEC”) relating to Berry’s conduct with respect to option granting practices at
18 Juniper and KLA-Tencor Corp. *SEC v. Berry*, C-07-4431-RMW (N.D. Cal.). On August 27,
19 2008, Judge Whyte issued an order, *inter alia*, granting in part and denying in part Berry’s motion
20 to dismiss claims under Section 10(b) and Rule 10b-5, and giving the SEC 30 days to file a new
21 amended complaint.

22 The Consolidated Action alleges claims for violations of Section 10(b) and 20(a) of the
23 Securities Exchange Act of 1934, and Sections 11 and 15 of the Securities Act of 1993 against
24 defendants Juniper Networks, Inc, Juniper’s CEO Scott Kriens and its former CFO, Marcel Gani,
25 Mr. Pradeep Sindhu, Mr. Robert Calderon, Mr. Kenneth Goldman, Mr. Kenneth Levy, Mr.
26 William Hearst III, Mr. Stratton Sclavos, Mr. William R. Stensrud, and Juniper’s auditors Ernst &
27 Young. The Amended Consolidated Complaint asserts claims on behalf of all persons who
28 purchased or otherwise acquired Juniper securities between August 6, 2001 and August 10, 2006.

1 The Berry Complaint has not yet been consolidated with the Consolidated Action.

2 **PROCEDURAL STATUS**

3 Ms. Berry has not yet responded to the Berry Complaint. Pursuant to stipulations between
4 the parties and in order to accommodate the parties' settlement efforts, the Court has granted three
5 extensions of Ms. Berry's deadline for filing a responsive pleading. On May 28, 2008, the Court
6 ordered that the case management conference be continued to September 8, 2008, and further
7 ordered that the parties submit a joint status report on or before August 29, 2008 to inform the
8 Court of the progress in their settlement discussions. The Court also set a deadline for Ms. Berry
9 to file a responsive pleading of September 15, 2008.

10 As set forth in the Joint Status Report for the Consolidated Action, Lead Plaintiffs,
11 Juniper, Ernst & Young and the Individual Defendants are scheduled to participate in a mediation
12 before Judge Nicholas H. Politan on September 4-5, 2008. In light of the pending mediation and
13 the press of business, Lead Plaintiff and Ms. Berry have agreed to an extension of time for Ms.
14 Berry to respond to the complaint. Accordingly, Lead Plaintiff and Ms. Berry have submitted a
15 Stipulation and Proposed Order concurrently with this Joint Status Report requesting an order
16 extending Ms. Berry's time to file a responsive pleading by two weeks to and included September
17 29, 2008.

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1 Dated: August 29, 2008

JAMES A. MEYERS
NANCY E. HARRIS
REBECCA F. LUBENS
Orrick, Herrington & Sutcliffe LLP

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5 /s/ Nancy E. Harris

Nancy E. Harris
Attorneys for Defendant
Lisa C. Berry

7 Dated: August 29, 2008

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DAVID C. HARRISON
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9
10 /s/ David C. Harrison

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17 *Local Counsel for Lead Plaintiff*

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20 **ATTESTATION**

21 I, Nancy E. Harris, am the ECF user whose identification and password are being used to
22 file the JOINT STATUS REPORT. In compliance with General Order 45.X.B, I hereby attest that
23 David C. Harrison has concurred in this filing.

24 Dated: August 29, 2008

By: /s/ Nancy E. Harris
Nancy E. Harris